



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Appl'n of: Sherrill et al.

Appl'n No.: 10/683,952

Group Art Unit: 1623

Title: THERAPEUTIC FORMULATIONS

Att'y Ref. No.: 010072.02

Filed: Oct. 9, 2003

Examiner: Michael C. Henry

Mailing Address: Kosan Biosciences
3832 Bay Center Place
Hayward, CA 94545

INFORMATION DISCLOSURE STATEMENT

Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement (“IDS”) is submitted to the Patent Office in accordance with the duty of candor and good faith under 37 CFR §1.56 and in support of a Request for Continuing Examination (“RCE”). A companion response to a Final Office Action is submitted concurrently, also in support of the RCE.

The cited information is listed in the accompanying list, submitted in duplicate. Each item of information is identified there by a unique “Item No.” (A01, A02, ..., B01, ..., etc.) The Examiner is requested to return an initialed and signed copy of the list, indicating whether each item of cited information has been considered or not.

Copies of US patents and published applications are not being furnished, in accordance with the revisions to 37 CFR §1.98(2) as announced in the Federal Register, vol. 69, no. 182, pp. 56482-56547 (Sep. 21, 2004). If the Examiner should need copies of any of such patents or

CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date given below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name of person signing certificate: _____ Nancy Impey
 Signature: Nancy Impey Date: Oct. 19, 2005

patent applications, they will be provided upon request. (Copies of foreign patent documents and non-patent publications are enclosed.)

Where an item of information was cited in the specification, the citing paragraph(s) are identified in the "Cited at" column of the list.

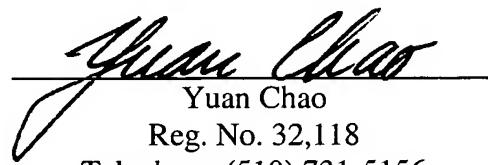
The items of information listed include co-pending commonly assigned applications, as required under MPEP §2001.06(b). The Examiner's attention is drawn to US 2005/0148543 A1.

The citation of a particular item of information is not intended to be, and should not be construed as, an admission that such item of information is material to patentability as defined in 37 CFR §1.56 or qualifies as "prior art" within the meaning of applicable law. The materiality and "prior art" status of any item of information is a matter to be resolved during examination.

Consideration of the cited information in the examination of this application is respectfully requested.

Respectfully submitted,

Oct. 19, 2005
Date


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Sheet 1 of 1

INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION: LIST OF ART CITED		Docket No. 010072.02	Application Number: 10/683,952
		<i>First Named Inventor:</i> Michael J. Sherrill	
		<i>Filing Date:</i> Oct. 9, 2003	<i>Group Art Unit:</i> 1623

US PATENTS AND PUBLISHED APPLICATIONS					
Examiner Initial	Item No.	Document Number	Issue/Pub. Date (mm/dd/yyyy)	First Name Inventor	Cited at (if cited in specification)
	A03	2005/0148543 A1	07/07/2005	Sherrill et al.	

US UNPUBLISHED APPLICATIONS					
Examiner Initial	Item No.	Document Number	Filing Date (mm/dd/yyyy)	First Name Inventor	Cited at (if cited in specification)

FOREIGN PATENT DOCUMENTS					
Examiner Initial	Item No.	Document Number	Date (mm/dd/yyyy)	Country	Translation enclosed?
	C01	WO 99/39694 A2	08/12/1999	PCT	n/a [0006]
	C02	WO 02/066033 A1	08/29/2002	PCT	n/a [0005]
	C03	WO 02/066038 A1	08/29/2002	PCT	n/a [0005]

NON-PATENT DOCUMENTS					
Examiner Initial	Item No.	Details of Document (AUTHOR, Title, Date, Pertinent Pages, etc.)		Translation enclosed?	Cited at (if cited in specification)
	D01	Chou et al., Proc. Natl. Acad. Sci. USA, 1998, 95, 15798-15802, "Desoxyepothilone B is curative against human tumor xenografts that are refractory to paclitaxel"		n/a	[0006]
	D02	Demario et al., J. Clinical Oncology, 1998, 16 (7), 2557-2567, "Oral Chemotherapy: Rationale and Future Directions"		n/a	[0005]
	D03	Sigma-Aldrich on-line catalog, product P1754, "TWEEN 80" (polyoxyethylene sorbitan monooleate), accessed 10/14/2005		n/a	

**** END OF LIST ****

Examiner Signature	Date considered
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Please include copy of this form with next communication to the applicant.

Item No. is Applicant's unique citation designation number for each document.